IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.13107 of 2008
RAMASHISH MAHTO
Versus
THE STATE OF BIHAR
With
Cr.Misc. No.21745 of 2008
MANOJ PRASAD
Versus
THE STATE OF BIHAR
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2. 13.8.2008 Heard.

The two petitions arise out of Hilsa P.S.Case no.257 of 2007 under Section 302 IPC. The allegation against the accused persons is that they surrounded the deceased dragged him to a particular place and thereafter accused Jaigovind Yadav along with above named two petitioners fired one shot each and killed the deceased.

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The postmortem examination report is copied in paragraph 76 of the case diary and that indicates that there were three entry wounds at different parts of the body which could individually and collectively be sufficient to cause of death.

As regards petitioner Ramashish Mahto it was contended that the witnesses examined during the course of investigation have not named him as the assailant and further that other accused

persons have been named as such. As regards petitioner Manoj Prasad the contention is that the implication is false and the witnesses defaulter in the manner. Two witnesses in paragraph 13 and 14 have named Manoj Prasad as one of the assailants. The remaining two persons examined in paragraph 17 and 18 have given statement making the allegations in a general manner, not specifying it against all the accused persons. The present petitions are for bail and considering the direct nature of the allegations against the two petitioners in the FIR, I do not find any merit in the two petitions as the dispute has to be resolved by taking evidence by the trial court. The two petitions are dismissed.

(Dharnidhar Jha, J.)

B.Kr.

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